

REMARKS

Claims 1-10 are cancelled herein. New claims 11-26 are added.

As requested by the Examiner on page 2 of the Action, applicant submits herewith a substitute specification wherein amendments are effected to place the text thereof into proper idiomatic English in accordance with 37 CFR 1.125(c). Also accompanying this amendment is a reproduction of the original specification with markings indicating the amendments effected in the substitute specification in accordance with MPEP §608.01(q) and 37 CFR 1.125(b). No new matter is added. Entry of the substitute specification is respectfully requested.

On page 2 of the Action, the Examiner has rejected claims 1-10 under 35 U.S.C. 112, second paragraph. Since claims 1-10 have been canceled, applicant submits that this ground of rejection is moot. Applicant further submits that new claims 11-26 are clear, definite, distinctly claim the subject matter of the invention and are in proper grammatical and idiomatic form.

On page 3 of the Action, the Examiner has rejected claims 1-10 under 35 U.S.C. 102(b) as being anticipated by Grunfeld U.S. Patent No. 6,283,896. Applicant respectfully disagrees.

Grunfeld relates to an exercise machine having a computer interface, primarily to allow a simulated competition between people using different conventional exercise machines, or to permit a user to play video games while using a machine. Grunfeld itself specifically states that the patent "discloses a conventional, stationary exercise machine" (Abstract and column 2, line 19.)

There are numerous, significant differences between the Grunfeld machine and the machine of the present invention. First and foremost, Grunfeld shows a machine that allows a user only to run or walk in place; it is not a multipurpose exercise machine as in the present invention. Specifically, Grunfeld shows a machine with a treadmill 45 having only one function, namely to permit the user to run or walk forward, continuously, in a straight line, powered by the user's legs as the user walks or runs uphill against gravity. This is achieved because of the upward incline of the treadmill shown in FIG. 1. The treadmill is clearly not motorized. No motor is shown in any of the drawings, and the only mention of a motor anywhere in the specification relates to a servo motor 115, which is only used to move a tracking harness 120, not to drive the treadmill. (See column 5, lines 31-40.)

By contrast, the present invention is first and foremost an exercise machine that permits a user to perform numerous different types of exercises, in addition to walking and running. These exercises are completely different from running or walking. Instead, they permit the user, for example, to stretch different parts of the body, perform stooping motions or strengthen different muscle groups. See the illustrations of some exercises in FIGS. 3-9. Many of these exercises require a motor 13 to drive the running belt, an element that is not present in

Grunfeld. The motor permits the user to effectively perform many of the disclosed exercises, which enhances the overall utility of the invention.

One key feature of the present invention is the ability of the running belt to be driven alternately in both forward and reverse directions, or in other words to reciprocate. There is no disclosure in Grunfeld that the treadmill is even capable of going in reverse at all; it is certainly not capable of being driven reciprocally by a motor or the like. The incline of the Grunfeld treadmill shown in FIG. 1 teaches away from a treadmill that is designed to operate in reverse or reciprocate. Even if a user tried to manually force the treadmill into reverse, the user would likely fall down.

It should be pointed out that the double-headed arrow 130 shown in Figure 3 of Grunfeld does not show back and forth motion of the treadmill. Rather, it shows motion of a tracking harness 120. (Column 5, lines 30-32.) Also, although Figure 4a of Grunfeld shows a video game-type controller 55 having positions labeled "forward" and "reverse," it seems clear that these labels apply to video game action or other movement of images on the video screen, not a direction of travel of the mechanical treadmill. (See column 5, line 45 through column 6, line 15.)

Another significant feature of the present invention, which is completely absent from Grunfeld, is the ability to control not only the speed but also the direction, distance traveled and reciprocating time of the running belt during the course of an exercise routine. Different patterns of reciprocating motions can be programmed into the machine, examples of which are illustrated in FIGS. 10(a) through 10(f) of the present application. In addition, any pattern can

be manually changed by the user at any time, even during the course of a single exercise. The Grunfeld device is incapable of performing these operations. Though Grunfeld mentions a speed “adjustment” feature, this adjustment apparently only relates to action taking place on the video screen, not a mechanical adjustment of the treadmill speed itself. (See column 4, lines 22-26.)

Finally, even if a user wished to manually force the treadmill to reciprocate, such as by walking back and forth, applicant submits that it would be essentially impossible for the user of the Grunfeld device to manually force the treadmill to reciprocate by predetermined speeds, for predetermined amounts of time, in predetermined directions, and for predetermined distances.

Therefore, Grunfeld does not disclose all features of the present invention and thus does not anticipate or render obvious the claims of the present invention, as amended herein.

Applicant respectfully requests that the Examiner acknowledge the claim for foreign priority and receipt of the priority document filed in this application on August 17, 2006.

NO FEE DUE

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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Enc. Marked Specification

Substitute Specification